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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,328	02/25/2000	Bruce W. Curtis	SUN1P701/P4732	7789

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EXAMINER

PRIETO, BEATRIZ

ART UNIT PAPER NUMBER

2142

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/513,328

Applicant(s)

BRUCE W. CURTIS

Examiner

B. Prieto

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) 1-24 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### Election/Restrictions

- I. Restriction to one of the following inventions is required under 35 U.S.C. §121:
  - I. Claims 1-7, and 24 are drawn to a method of managing a HTTP cache in a web server.
  - II. Claims 8-14, are drawn to a method of managing an in-kernel cache.
  - III. Claims 15-20, are drawn to a managing a HTTP cache in a web server.
  - IV. Claims 21-23, are drawn to a system for controlling an in-kernel HTTP cache.

The inventions are distinct, each from the other because of the following reasons: Inventions II-IV and I are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention II has separate utility such as it is usable in a method of managing an in-kernel cache, different from invention I, invention II further includes: determining that the response data associated with the request is not in the cache, sending the request to a process and receiving response data associated with the request and one or more associated caching attributes from the process, the caching attributes including a cache state indicating that the response is to be stored in the cache when in a first state and the cache state indicating that the response is not to be stored in the cache when in a second state; wherein the caching attributes further include an advisory state associated with the HTTP request, storing the advisory state and the response in the HTTP cache when the cache state is in the first state; wherein the caching attributes further include an identifier associated with the response to enable the response to be associated with multiple HTTP requests in the HTTP cache; storing the identifier and the response in the HTTP cache when the cache state is in the first state, features which are not required for invention I. Therefore, invention II has a separate utility and requires a different and distinct search than invention I.

Further, invention III has a separate utility as it is usable in a method of managing a HTTP cache in a web server and includes: creating a cache request specifying a modification to be made to information stored in the HTTP cache; sending the cache request from a HTTP daemon to a cache manager; and modifying the information stored in the HTTP cache in accordance with the cache request received by the cache manager from the HTTP daemon; wherein the cache request specifies an object to flush from the HTTP cache, the object including a HTTP response, features not required for invention I-II. Therefore, invention III has a separate utility and requires a different and distinct search than inventions I-II.

Further, invention IV has a separate utility as it is usable in a system for controlling an in-kernel HTTP cache and includes: a HTTP daemon adapted for providing response data and one or more cache

control indicators, the cache control indicators adapted for at least one of managing information that is stored in the HTTP cache and controlling transmission of the response data; and a cache manager adapted for receiving the response data and the cache control indicators from the HTTP daemon and at least one of modifying the information stored in the HTTP cache and controlling the transmission of the response data in accordance with the cache control indicators; 2) a cache advise state indicating at least one of that response data in the HTTP cache can be transmitted to the client, that a first set of data in the HTTP cache is to be replaced with a second set of data, that data in the HTTP cache is to be flushed from the HTTP cache, and that the response data is temporary and therefore is to be transmitted to the client and not stored in the HTTP cache, and 3) a cache state indicating whether the response data is to be stored in the HTTP cache, features not required for inventions I-III. Therefore, invention IV has a separate utility and requires a separate and distinct search than inventions I-III. See MPEP 806.05(d).

2. Because these inventions are distinct for the reasons given above and because the search required for each group is different and not co-extensive for examination purpose because these groups would require different searches e.g. a) the search for Invention I (claims 1-7 and 24) require a search not required for the Inventions II-III; b) the search for Invention II (claims 8-14) would require a search not required for the Inventions I and III-IV), c) the search for Invention III (claims 15-20) would require a search not required for Inventions I-II and IV, and d) the search for Invention IV (claims 21-23) would require a search not required for Inventions I-III. Hence, for examination purposes as indicated is proper.

3. Restriction is required under 35 U.S.C. §121 to one of the above-identified patentably distinct groups of designs. A reply to this requirement must include an election of a single group for prosecution on the merits, even if this requirement is traversed, 37 CFR 1.143. Any reply that does not include election of a single group will be held non-responsive. Applicant is also requested to direct cancellation of all drawing figures and the corresponding descriptions, which are directed to the non-elected.

4. Should applicant traverse this requirement on the grounds that the groups are not patentably distinct, applicant should present evidence or identify such evidence now of record showing the groups to be obvious variations of one another. If the groups are determined not to be patentably distinct and they remain in this application, any rejection of one group over prior art will apply equally to all other embodiments. See Ex parte Appeal No. 315-40, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability based on the differences between the groups will be considered once the groups have been determined to comprise a single inventive concept.

5. In view of the above requirement, action on the merits is deferred pending compliance with the requirement in accordance with Ex parte Heckman, 135 USPQ 229 (P.O. Super. Exam. 1960).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Mark R. Powell can be reached on (703) 305-9703. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
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or Faxed to:

(703) 746-7239, for Official communications and entry

Or:

(703) 746-7240, for Non-Official or draft communications, please label  
"PROPOSED" or "DRAFT".


Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC  
2100".



B. Prieto  
Patent Examiner



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